

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TERRY STALSON,

Plaintiff,

v.

SHERIFF JAMES KAWALCZYK,
CURT DUTTON, JANE DOES 1-5, and
JOHN DOES 1-5,

Defendants.

OPINION AND ORDER

19-cv-536-wmc

Pro se plaintiff Terry Stalson is proceeding in this lawsuit under 42 U.S.C. § 1983 against defendants Chippewa County Jail officials Sheriff James Kawalczyk, Curt Dutton and the Doe defendants involved in his medical care, on Fourteenth Amendment claims challenging the manner in which they responded to his need for pain medication and surgery in June 2018. The court set March 11, 2022, as plaintiff's deadline to file an amended complaint identifying the Doe defendants (*see* dkt. #28 at 4), but plaintiff has failed to timely amend his complaint. Nor has he filed a motion seeking additional time to identify these defendants. Therefore, consistent with the court's warning that plaintiff's failure to meet that deadline would result in dismissal of his claims against the Doe defendants (*id.*), the court is dismissing the Doe defendants at this time.

Additionally, and more importantly, it appears that plaintiff has abandoned *all* of his claims in this lawsuit. On April 1, 2022, defendants Dutton and Kawalczyk filed a motion for summary judgment on the ground that plaintiff failed to exhaust his administrative remedies. (Dkt. #30.) The court set April 22, 2022, as plaintiff's deadline to respond to that motion. That deadline has passed as well, yet plaintiff has not responded

to that motion nor communicated with the court suggesting that he intends to do so and needs more time. Before dismissing this action, however, the court will give plaintiff an opportunity to avoid dismissal by responding to defendants' motion for summary judgment. Plaintiff is advised that if he fails to meet the deadline set forth below, the court will dismiss his claims in this lawsuit with prejudice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

ORDER

IT IS ORDERED that:

1. Plaintiff Terry Stalson's claims against the Doe defendants are DISMISSED with prejudice for plaintiff's failure to identify them by the deadline set forth in the Preliminary Pretrial Conference Order.
2. Plaintiff has until **May 23, 2022**, to respond to defendants' motion for summary judgment.
3. **Plaintiff is advised that if he fails to respond as directed, this court will dismiss his claims in this lawsuit with prejudice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).**

Entered this 2nd day of May, 2022.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge